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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/298,282	04/23/1999	MUHAMMED IBRAHIM SEZAN	SLA0115	1864

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11/06/2002

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EXAMINER

BELIVEAU, SCOTT E

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 11/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/298,282

Applicant(s)

SEZAN ET AL.

Examiner

Scott Beliveau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10 October 2002 has been entered.

Drawings

2. The corrected or substitute drawings were received on 10 October 2002. These drawings are accepted.

Response to Arguments

3. Applicant's arguments with respect to claims 1-12 and 14 have been considered but are moot in view of the new ground(s) of rejection.
4. In reference to the applicant's arguments pertaining to claim 11 that the user preferences are used not only by the summarizer module but also by the decoding and demultiplexing module to support "intake filtering", the examiner cannot find support within the instant application that would provide enablement for the asserted "intake filtering" functionality. One of ordinary skill in the art, might conclude that the "intake filtering" would be inherent to the operation of the receiver wherein the decoding and demultiplexing module are operable to "filter" out of the multiplexed stream program material selected by the viewer.

Claim Rejections - 35 USC § 112

5. Claim 8 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim recites that the “long-term storage is accessible from the navigation module”, while the specification explicitly discloses that a “user may access the short-term memory [46] via [the] audiovisual user navigation interface” (Page 14, Lines 10-12). As the applicant’s remarks pertaining to claim 8, similarly state that the “short-term storage of the instant application is accessible through the graphical user interface (Page 5, Lines 19-21), the examiner shall presume for the purpose of art evaluation that the claim has been amended such that the “short-term memory is accessible from the navigation module.”

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

7. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C.

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122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Ramaswamy (US Pat No. 6,295,647). The Ramaswamy reference illustrates a “system for providing a digital television data broadcast service” in Figure 1. The system comprises “a data service authoring subsystem” [110], “a data service encoder” [130], “an MPEG-2 multiplexer” [140] (Col 1, Lines 25-29), and a transmitter [150] operable to “broadcast to at least one client receiver” (Col 4, Lines 14-26). The Ramaswamy reference teaches that the context editor [110] is utilized to “identify key clips of audiovisual information” [114] (Col 3, Lines 17-34) wherein the instant application broadly defines “key clips” as including other relevant information (IA: Page 5, Lines 21-23). Executable code [114] such as that which displays a “Press here to purchase a bicycle button” in conjunction with an image of a bicycle would be interpreted to be relevant (Col 3, Lines 26-30).

9. Claims 1 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Srinivasan et al. (US Pat No. 6,357,042).

In consideration of claim 1, the Srinivasan et al. reference discloses a “system for providing a digital television data broadcast service” [43] to “at least one client receiver” [48] as shown in Figure 7. The system is taught to comprise “a data service authoring subsystem” [51] that is “operable to receive an audiovisual program” from a video head end [45] and to identify and to provide “key clip data” data through a defined metadata format (Col 13, Lines 15-40; Col 17, Lines 6-13; Col 28, Lines 61-66 – Col 29, Lines 1-7), “a data service encoder”

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and “an MPEG-2 multiplexer [259] (Col 13, Lines 64-67 – Col 13, Line 1; Col 37, Lines 35-49).

Claim 7 is rejected wherein the Srinivasan et al. reference teaches that the aforementioned “defined format identifying key clips” or metadata may further “identify” or annotate the contents of the clip (Col 26, Lines 52-63; Col 28, Lines 61-67 – Col 29, Lines 1-7).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

12. Claims 2-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Srinivasan et al. (US Pat No. 6,357,042).

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In consideration of claims 2-3, and 5-6, the Srinivasan et al. reference discloses the use of the MPEG-2 presentation time stamp (PTS) and further suggests the use of any other time stamp for “referencing key clips” (Col 3, Lines 47-52; Col 6, Lines 41-47; Col 13, Lines 4-8, 64-67 – Col 14, Line 1). As the specification does not explicitly disclose any advantages associated with the recited MPEG “timing reference” methods, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize any of the known MPEG timing references including as the “system time” “PCR/LCR” pair, “starting and ending flags”, or “starting and ending references” for the “referencing” of “key clips” as is suggested by Srinivasan et al. as such a selection would constitute a design consideration that is not distinguishable over the prior art.

Claim 4 is rejected wherein the use of a “video reference generator” while not explicitly disclosed by Srinivasan et al. would be obvious to one of ordinary skill in the arts to incorporate as part of the MPEG encoding process for the purposes of referencing video frames to real time clock PCR information.

13. Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al. (US Pat No. 6,236,395), in view of Barton et al. (US Pat No. 6,233,389).

In consideration of claim 8, the Sezan et al. reference discloses a “receiver” [16] (Col 8, Lines 9-12) capable of operating upon a “digital television data broadcast service” [38] (Col 7, Lines 63-67). The receiver further is taught to comprise: a “demultiplexing and decoding module” [60], a “summarizer” [42/44] that is operable to “receive the audio visual program PSIP data and references to key-clips” [38] (Col 7, Lines 56-67 – Col 8, Line 1) and to subsequently “create summaries of the audiovisual program” (Col 8, Lines 21-67 – Col 9,

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Lines 1-8) , a “navigation module. . . “ which allows a user to browse, search, and filter program related information (Col 9, Lines 23-26, 54-56; Col 12, Lines 4-8), and “memory” [50].

As to the aforementioned “memory”, the Sezan et al. reference teaches that the storage unit may comprise any storage device such as memory or magnetic media (Col 9, Lines 7-8) and that it is operable to store both the “programs and summaries” as disclosed in the operational example of the device (Col 9, Lines 34-67 – Col 10, Lines 1-37). In this example, the reference discloses that information may be stored on a removable media such as a DVD or a system hard drive. One of ordinary skill in the art would recognize that a hard drive such as those integrated in TiVo[®] or ReplayTV[®] (Col 13, Lines 8-21) is operable to store program material on either a “long term” or “short term” basis. Furthermore, the instant application teaches that both “memories” may comprise a hard disk (IA: Page 14, Lines 9-10, 23 – Page 15, Line 1) and does not disclose any particular advantage or rationale as to why physically separate hard drives would be utilized. Subsequently, the decision to use both a “long-term” and a “short-term” memory as physically separate storage means would constitute a design decision that is not patentably distinguishable over the art.

In reference to the “demultiplexing and decoding module” the use of such in conjunction with receivers is well known in the art. The Sezan et al. reference discloses that the system is operable to receive program streams from any suitable source including PSIP/DVB-SI information in digital television broadcasts. Subsequently, both the Sezan et al. and the instant application would suggest that either apparatus is operable with a number of standards (Col 13, Lines 14-25, 40-45; IA: Page 8, Lines 16-20). With respect to the recited “MPEG-

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2” limitation, PSIP information is well known to be associated with “MPEG-2 encoding” as is further recognized by the instant application (IA: Page 7, Lines 19-23 – Page 8, Lines 1-2). Accordingly, one of ordinary skill in the art would recognize that the “demultiplexing and decoding module” [60] taught by Sezan et al. is operable to demultiplex and decode program [38] information commonly associated with an MPEG-2 transport stream.

Assuming arguendo, the Sezan et al. reference explicitly teaches that it may be used in conjunction with a TiVo[®] or ReplayTV[®] receiver (Col 13, Lines 8-21). The Barton et al. reference discloses such a receiver that includes an input section [101] that “demultiplexes and decodes” MPEG-2 streams (Col 3, Lines 30-49). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a multimedia storage and display system such as disclosed by Barton et al. in conjunction with the Sezan et al. teachings since it is explicitly suggested to do so by Sezan et al. (Col 13, Lines 8-21).

Claim 9 is rejected wherein the aforementioned “demultiplexing and decoding module” [60] is operable to produce/extract program-related information (Col 8, Lines 8-10) for “within program filtering” information wherein the reference teaches that game highlights may be generated using a knowledge based system (Col 8, Lines 32-37, Col 9, Lines 65-67 – Col 10, Lines 1-4).

In reference to claim 10, the Sezan et al. reference teaches that the embodiment “further comprises description information for database indexing” and “archival” of audiovisual programming (Col 12, Lines 56-65) . Figure 2, illustrates a data storage unit [50], which may be used in conjunction with the filtering and browsing module [52] to retrieve, or store/archive programs (Col 9, Lines 19-22).

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With respect to claim 11, the Sezan et al. reference discloses that the receiver [16] “comprises a register of user preferences. . . “ [20] that are used “in generating said program-related information and said summaries” (Col 8, Lines 21-29). The “decoding and demultiplexing module” [60] is well known in the art to disassemble the input program stream based on the “user preferences” or selected program. The reference further teaches that the “summarizer” [42/44] uses user preferences as well as the “decoder/demultiplexed” extracted program-related information (Col 8, Lines 8-10) information to generate summary information (Col 8, Lines 22-29).

14. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al. (US Pat No. 6,236,395).

Claim 12 is rejected wherein the Sezan et al. reference discloses a receiver [16] that comprises a “program summarizer” [42/44] that is operable to “receive a data broadcast service for filtering and generating summaries of audiovisual programs” [38] (Col 7, Lines 56-67 – Col 8, Line 1). The intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish it from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). Sezan et al. suggests to one of ordinary skill in the art that that different “realizations and applications” may be readily derived from the embodiment illustrated in Figures 2 and 3 by reorganizing and utilizing different components (Col 10, Lines 66-67 – Col 11, Lines 1-5).

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Accordingly, the disclosed “program summarizer” [42/44] is taught to comprise modules that are operable to “parse and extract an audiovisual program descriptors” to the description scheme generation module [44] (Col 8, Lines 10-14), to “extract PSIP and DVB-SI information” [60] (Col 8, Lines 21-29), to “combine audiovisual program description with PSIP information, user preferences, and any other available program information” (Col 7, Lines 63 – Col 8, Lines 1, 14-29; Col 5, Lines 46-50), to “extract key clips from a video program” [76/78] (Col 8, Lines 30-48), and to “provide” and “produce summaries of audiovisual” material [78] in the form of program highlights (Col 8, Lines 49-55). The “key-clip map table” is shown in Figure 14 (Col 26, Lines 51-54).

Claim 14 is rejected wherein the aforementioned Sezan et al. reference discloses that the “program information” may comprise web page or other suitable information downloaded from a web site (Col 5, Lines 25-29; Col 9, Lines 65-67 – Col 10, Lines 1-4).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows. Applicant is reminded that in amending in response to a rejection of claims, the patentable novelty must be clearly shown in view of the state of the art disclosed by the references cited and the objections made.

- The deVries et al. (US Pat No. 6,332,144) reference discloses a method for annotating MPEG video media by identifying the particular time or times within the period defined by the start and end times of a media stream forming an item of media.

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The annotation value is taught to comprise a work or other type of item such as a person or thing.

- The Altunbasak et al. (US Pat No. 6,389,168) reference discloses a method and system for object-based video retrieval, parsing, and indexing, of compressed video data.
- The Orr (US Pat No. 6,430,357) reference discloses a video and audio processing system operable for customized navigation of video and/or audio signals from interleaved video data streams having text data packets and presentation time information therein.
- The Carrer et al. article entitled "An annotation Engine for Supporting Video Database Population" discloses an authoring tool that facilitates the creation of annotated time-based "key" sequences-scenes-shots.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Beliveau whose telephone number is 703-305-4907. The examiner can normally be reached on Monday-Friday from 8:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 703-305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-0377.

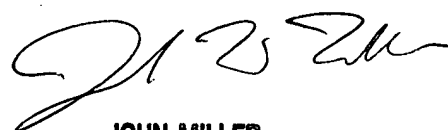
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SEB

November 1, 2002

A handwritten signature in black ink, appearing to read 'J. Miller', is positioned above the printed name.

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600